IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2550 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHASHI KUMAR CHAUHAN - Petitioner(s)

Versus

GAS AUTHORITY OF INDIA LTD - Respondent(s)

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Appearance :

MR TR MISHRA for Petitioner No(s).: 1.

MR RAJNI H MEHTA for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 25/08/2005

ORAL JUDGMENT

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1. This petition is directed against the judgment and order dated 27th January, 1999 passed by the Labour Court in Reference [L.C.S.] No. 228 of 1994 whereby the said Reference was rejected.

2. The short facts of the case are that the

petitioner was working as a Driver with the respondent. It is the case of the petitioner that he was working as such since last nine years. The respondent without following any procedure under the Industrial Disputes Act, 1947 terminated the services of the petitioner. Feeling aggrieved by the said order, the petitioner raised an industrial dispute which was ultimately referred to the Labour Court for adjudication. The Labour Court after considering the case on merits, passed the impugned award. Hence, this petition.

3. I have heard the learned counsel for the parties. Having perused the materials produced on record, it transpires that the Labour Court has rejected the Reference in view of the decision of the Apex Court in the case of Air India Statutory Corporation v. United Labour Union reported in A.I.R. (Vol. 90) 1997, S.C., p. 125. However said view has been now reversed by the recent decision of the Apex Court in the case of Steel Authority of India Ltd., & Ors., v. National Union Waterfront Workers & Ors., reported in (2001) 7 S.C.C. p. 1. Therefore, in view of the peculiar facts and circumstances of the case and in view of the decision of the Apex Court in the case of Steel Authority of India

Ltd., & Ors., v. National Union Waterfront Workers & Ors., (supra), I am of the opinion, that the impugned award is required to be quashed and set aside and the the matter is required to be remanded to the Labour Court for fresh decision.

4. In the premises aforesaid, on the facts and circumstances of the case, the impugned award passed by the Labour Court is quashed and set aside. The matter is remanded to the Labour Court for deciding afresh on merits, after taking into consideration the contentions raised by both the sides. It is clarified that the Labour Court shall hear and dispose of the matter within a period of one year from the date of receipt of writ of this Court, without being influenced by the earlier order which is quashed in the present petition and also the present order, since the same has been passed without entering into the merits of the case.

5. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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